

Members Present

Tammy Johnston  
Vice Chair  
Jeffrey Jones  
Vice Chair  
Josephine Carpenter

Affiliate Presentations

Fidura & Associates

Clopton Valley CSB  
Chuck Collins, Regional Advocate  
C.C. & Associates  
Mark Seymour, Children's Advocate (absent)

VCSB Representatives  
Dana Fitzgerald, Interim LHRC Liaison  
Murphy -Blue Ridge Residential Service  
James Hall

Members Absent

Virginia Kivlighan,  
Nixsa Swinson,  
Donna Logan  
Marita Derrick  
Elizabeth Bouldin-  
Guest  
Lonnie O'Baugh  
Stephanie Bortner  
Lucille Weggy

Beth Howell  
Kelly

Call to Order Jeffrey Jones called the November 3, 2006 meeting to order

N/A

Public Comment Mr. Jones invited public comment.  
No public comments presented.

AFFILIATE PRESENTATIONS (3)

(1) Fidura & Associates (report handout) Mr. John Barrett reported on Fidura & Associates for the period January - October 2006. Expanded - added group home in Buena Vista. No licensing violations. One allegation of staff/client abuse that when investigated was unfounded. No human rights complaints during the above period. Recruit for staff who are experienced - extensive orientation program including MR Waiver training. Must pass MR Waiver and Human Rights tests. Trained in both Human Rights and Licensing regulations during their initial orientation and annually thereafter (at the time of their performance evaluation). N/A - Report is informational only. (written report on file)

(2) Valley CSB (report handout) Ms. Dana Fitzgerald, Interim Human Rights Advocate provided the annual report for the LHRC. Reporting period 12/05 to present. All staff are trained upon hire as part of orientation process & annually thereafter. Supervisors are encouraged to have periodic training sessions as well. VCSB responded to 11 informal complaints - 12 formal complaints and 1 peer-to-peer complaint (total 24) --- one was unfounded, two were investigated as possible verbal abuse. One unfounded. Other founded due to "use of language that demeans, threatens, intimidates, or humiliates the person" - appropriate disciplinary action occurred. To resolve complaints - human rights liaison for VCSB is

contacted and tries to resolve at an informal level. The issue has to be resolved with 5 days, if consumer does not feel it has been satisfactorily resolved, regional advocate is contacted. The licensing department encountered no citations. All staff must have GED or High School Diploma, Ph.D., Bachelor and/or Master level clinicians, LPC, and LCSW are hired. Valley established a culture of human rights through the daily manner in which individuals are required to conduct themselves. The consumers' rights are everyone's responsibility!!! Consumers are informed of their human rights through posters and handbooks. (written Report on file)

(3) C.C. & Associates (report handout)  
Staff are trained by Christy Collins initially upon hiring. Staff is tested, Every staff meeting includes a review of human rights. Consumers are notified of their rights by receiving a copy of their Human Rights Notification, C.C. & Associates Consumer Orientation Handbook. After initial 50-day assessment reviewed again, then annually thereafter. Complaints handled this year included: 1 peer-to-peer. It was resolved by deciding not to have these two individual participate in C.C. programs together. One complaint was filed against a staff for saying "shut up" to a consumer. The staff member was counseled and the family of the consumer and the consumer were satisfied. To resolved complaints - the Grievance Procedure for Consumers is followed. The Directors hold a meeting and attempt to resolve the complaint within 5 business days, If the consumer or LAR is not satisfied, Director will refer the complaint to the Human Rights Advocate. C.C. & Associates had one citation from the licensing department regarding a consumer not having a current physical. All staff have at least a high school diploma or equivalency. Desire to work with individuals with developmental disabilities, etc. A culture of human rights is established by the daily interactions with the individuals served. Individuals are strongly encouraged to have as much control over their lives as possible. Small client to staff ratios are maintained. (written report on file)

Approval of September Minutes Josephine Carpenter motioned to approve the September, 2006 meeting minutes. Tammy Johnston seconded. Motion carried. N/A

VALLEY CSB UPDATE - J. Thomas

Mr. Thomas reported on the following: Moving forward on the purchase of 1314 W. Johnson Street. Desire to relocate PACT program and have 10 apartments located at this property. Final process of completing renovations on the SA house in Waynesboro. (927 W. Main Street). RFP has been submitted for 600 E. Main Street, Waynesboro.

Endeavor to continue to find safe, affordable housing for consumers. Scott Stewart, Director Behavioral Health Services, retired (effective date 2/1/07). Agency committed to COSIG model. Valley CSB received 4 Waiver Slots. Will need to have plans in place to relocate New Hope Detox. Issued RFP for purchase of ALF beds - no responses - Valley will resubmit RFP again. C. Collins stated other CSBs are experiencing resistance to having consumers in "their" neighborhood. Mr. Thomas replied that Valley has had resistance, but over time, neighbors discover that we are good neighbors.

Informational

REGIONAL ADVOCATE REPORT . Mr. Collins commented on the Public Hearing held at Valley on October 11 regarding the Human Rights Regulations. Individuals from the community participated and added their comments. The Public Comment Period will end on November 17. The comments, verbal and written from all areas will be compiled. Revisions to the regulations will be presented in 5-6 months. (time frame not definite) Once the HR Regulations are approved, new training will begin. Areas that are being addressed in the current regulations are: (1) confidentiality and release of records - the state laws are more burdensome than HIPPA. Regulations will address this and make new regulations compatible with HIPPA. Another area that is being closely scrutinized is (2) 'informed consent' and LAR appointments. The new regulations look to address this and provided clarity. (3)The 3rd issue that will be addressed is the Administrative Issues (i.e. complaint resolution process, and whether to have local LHRCs shall allow any provider who applies to affiliate to be able to do so, etc. ). The LHRC Seminar will take place shortly after the new regulations are released. (Fall 2007). Mr. Collins introduced Mr. Randy Urgo who will be assuming the duties of Mr. Collins for Valley LHRC. 8 cases have been resolved. An additional 2 cases were resolved satisfactorily thru negotiations with M. DeCarr of Mental Health Support Services.

Restrictive Restraint Request . Ms. O'Baugh presented on an individual who is refusing to wear her restrictive restraints. BKS is 43 years old, lives with her mother. Diagnosis is severe MR, Neuropathy Seizure Disorders, Impulse Control and Anxiety Disorder. Her protective equipment is wheelchair (without a belt) and transfer pad. The physician's order states that she wears the following as can be tolerated: helmet, gait belt for assistance with walking and a shower belt. Ms. O'Baugh requested to use these restraints, per physician orders. Committee discussed at length. Josephine Carpenter motioned to allow restraints as directed by physician orders and as tolerated by the client. Tammy Johnston seconded. Motion Carried. Motion Carried to approve use of restraints when as directed by physician's orders, as tolerated by BKS. This item will be reviewed again in 1 year.

Blue Ridge Residential Services Affiliation Blue Ridge Residential Kelly Murphy from Blue Ridge Residential Services presented information on their services (with handout) stating that they are currently affiliated with Region 10 and would like to affiliate with Valley LHRC. The services provided are sponsored residential - this is placing / matching an individual with a sponsor within the community. The sponsor subcontracts with Blue Ridge and is trained, meets licensure requirements, and has the necessary background checks, etc. In answer to Mr. Collin's question regarding anticipating number of individuals Blue Ridge will serve in this area, Ms. Murphy replied it will depend on number of individuals BR has trained and individuals seeking services. All individuals will have Waiver Services. There is ongoing support for individuals who are living in a sponsored placement situation, such as announced and unannounced visits, every consumer has Ms. Murphy's cell phone number and every sponsor is required to call if a client requests that. Posters explaining Human Right are posted in the consumer's room with Mr. Collin's name and number listed. Josephine Carpenter motioned to accept Blue Ridge

Residential Services request to affiliate with Valley LHRC. Tammy Johnston seconded. Motioned Carried.  
Motion Carried to allow Blue Ridge Residential Services to affiliate with Valley LHRC.  
Lynn Litten will forward the Valley LHRC Affiliation Agreement to Ms. Murphy.

Wall Residences, LLC Temporary Request for Affiliation  
The Region 10 LHRC did not have a quorum and could not vote on Wall Residence's request to temporarily affiliate with Valley CSB in order to for a mother to receive license approval to provide care for her son), therefore, Wall Residences, LLC request temporary affiliation with Valley LHRC beginning November 4, 2006 through December 31, 2006. This will allow the provider to have licensing approve sponsored placement (mother providing services to her son). Tammy Johnston motioned to approve temporary affiliation through December 31, 2006 with the understanding that Region 10 have oversight.  
Josephine Carpenter seconded. Motioned Carried. Motioned Carried to allow Wall Residences, LLC request for temporary affiliation with the Valley LHRC.

Family Sharing request to Affiliate Family Sharing requested to be on the January 5th Agenda - requesting Affiliation to the Valley LHRC January 5th - Family Sharing will be added to the Agenda

L. J. Request to Lock Refrigerator S.T. - Lock food pantry & refrigerator 2nd request - restrict telephone use for S.T. Request SAFE-T Care Enclosure for A.S. Approved.

#### CLOSED SESSION

The LHRC Committee voted to go into closed session pursuant to Virginia Code 2.2-3711A to discuss client treatment issues as allowed by the Human Rights Regulations. Josephine Carpenter so moved to go into Closed Session. Tammy Johnston Seconded. Motion Carried.

Next Friend LAR for J. Poff. Ms. Bortner requested that Ms. L. Waggy serve as J. Poff's Next Friend LAR - Ms. Poff has no relatives living willing to accept LAR for Ms. Poff. (Mr. Collins directed members to Page 16- 9C of the HR Regulations noting members should use this information when determining Next Friend LAR appointment).

Community Living Services requested approval to use mechanical restraints and a mitten on client, J.S, to prevent her from self-abusive behavior and to keep her from pulling out her feeding tube. After a lengthy discussion, it was determined that Region 10 is required to write the Appointment Letter recognizing the Father as LAR.. (does not need LHRC approval)

.Mr. M. Shaffren from Community Living Services presented for approval the use of Posey restraints for client, D. Reedy. Mr. Reedy becomes aggressive when staff are working with G tube, Tracheotomy tube and nebulizer and doctor order states the use of Posey restraint be allowed for the following: (1) When Mr. Reedy attempts to remove his G tube or Trach for a period of 30 minutes. (2) When staff are providing treatment to Mr. Reedy including trach tube, cleaning the area around G tube, inserting the trach tube and administering the nebulizer and

(3) the restraints will be used for the shortest period of time necessary and not used for staff convenience. The administrator will be notified when the restraint is applied and removed. Data will be kept on restraint use. Ms. Johnston motioned to provide temporary use of restraints with the stipulation that Mr. Shaffren supply doctor's orders and committee review again at the January 2006 meeting. Josephine Carpenter seconded. Carried unanimously.

L .J.Liz McCormick, case manager requested M. Keith become the Next Friend LAR for L. Johnson. After considerable discussion, it was determined that the father is the LAR and Ms. McCormick will need to address this issue with the father. No action can be taken at this time.

Ms. Hall from Wall Residences, LLC requested committee approval to provide a lock on the refrigerator for T.K. This request is for T's safety, as he will ingest raw meats, salad dressing, antibiotics, etc. Ms. Howell presented a letter from the physician stating the above and how this is necessary for T.K.'s health and safety. Ms. Josephine Carpenter motioned to approve locking the refrigerator for T.K.'s safety. Tammy Johnston seconded. Motion Carried. Mr. Hall, DePaul Family Services, requested to lock the refrigerator and food pantry for client S.T. This individual is on a diet for renal issues. She is also on a restricted fluid diet. and has many health issues. S.T. will raid the refrigerator and food pantry if they are not locked. Mr. Hall is requesting to also restrict telephone use as this exacerbates her behavior. Mr. Hall has documentation from a qualified specialist stating this is part of S.T.'s behavior plan. Josephine Carpenter motioned to lock refrigerator and limit access to telephone use. Tammy Johnston seconded. Motioned Carried with the requirement that the LHRC committee review in 6 months.

Mr. Hall requested approval to use the SAFE-T Care enclosure for A. S. for night time use. This is a doctor ordered recommendation and has been approved by A.S.'s guardian. Mr. Hall anticipates that the need for this SAFE-T enclosure will not be needed by the end of the year. Tammy Johnston motioned to approve SAFE-T Care enclosure. Josephine Carpenter seconded. Motion Carried with requirement that Mr. Hall return to the January 5th meeting with an update.

UNDER THE VIRGINIA FREEDOM OF INFORMATION ACT §2.2-3700 ET. SQ. CODE OF VIRGINIA - Committee reconvened in Open Session. Upon reconvening in open session, each member of the LHRC certified that only appropriate client related business was discussed. Charles Collins, "I so Certify" -- Josephine Carpenter, "I so Certify" -- Tammy Johnston, "I so Certify" -- Jeffrey Jones "I so Certify" Tabled until the January 5th meeting. Tammy Johnston motioned to appoint Ms. Waggy as Next Friend LAR for J. Poff. J. Carpenter seconded.

Adjourn

With no further business to conduct, the Valley Community Services Board Local Human Rights Committee meeting was adjourned.

Lynn